

Smart Attorneys To Argue For New Trial on May 20

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EXETER — Convicted murder-accomplice Pamela Smart, 23, of Derry, now serving life in prison is expected to be back in Rockingham County Superior Court May 20 when her defense attorneys will argue at a hearing for a new trial and for two other motions.

Smart was in court yesterday before Judge Douglas Gray who handed her two additional sentences — 7½ to 15 years for a conviction of conspiracy to commit murder and 3½ to 7 years for witness tampering.

Six weeks ago Smart was automatically sentenced to life in prison without any possibility of parole after a jury found her guilty of accomplice to the first-degree murder of her husband, Gregory, last year.

Gray at the conclusion of yesterday's sentencing announced that he scheduled May 20 to hear Smart's three filed motions by her attorney Paul Twomey.

Outside the court room Twomey said Smart's defense team was asking for a new trial for their client because the state withheld evidence during her trial.

According to Twomey, the state allegedly withheld information about inducements granted to witness Cecelia Pierce, of Seabrook, a 16-year-old student who wore a device to record a conversation she had with Smart about the murder of her husband.

"During the testimony of Cecelia Pierce, counsel for the defendant ... requested material relating to any promises of leniency, understandings or inducements granted to any of the prosecution witnesses," according to the motion.

Twomey said and his motion states that disclosure of such inducements for testimony,

made to a critical witness for the prosecution, is mandated by the due process clauses of the U.S. Constitution.

Another defense motion scheduled to be heard on May 20 is a request that the court order the jury in Smart's trial to be reassembled for individual questioning or "individual sequestered voire dire" by counsel.

The basis of this motion is that "four or five sources" have told Smart's counsel, the court, and the prosecution about one of the jurors "spent a night exposed to nothing other than talk about this case," said Twomey.

If these allegations are true "it would represent a direct violation of the court's home sequestration order issued on the first night of (jury) deliberations (in the Smart case)," according to Twomey's motion filed with the court yesterday.

Twomey's third motion has to do with an anonymous letter dated March 26, 1991, allegedly from a person who claims to have been summoned for jury duty in the Smart case.

Assistant Attorney General Paul A. Maggiotto, who prosecuted Smart, on April 5 provided the letter to Twomey.

The anonymous letter writer cites overhearing a woman's conversation (in the jury room) about the trial of Pamela Smart and her being a "conniving woman."

Continuing, the letter writer points out of subsequently recognizing on a Boston TV show that woman overheard in the jury room "... blabbering about how she had read about the wickedness of Pamela Smart."

"That woman who was so carefully selected as a juror was not objective," according to the anonymous letter writer.

Twomey agreed and in his motion asks the court to order the unknown person to contact the clerk of Rockingham County Superior Court.

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